

ASSEMBLY BILL

No. 1746

**Introduced by Committee on Local Government (Salinas (Chair),
Emmerson (Vice Chair), De La Torre, Houston, Lieber, Nation,
and Wolk)**

March 3, 2005

An act to amend Sections 56157, 56663, and 57051 of the Government Code, relating to local government reorganization.

LEGISLATIVE COUNSEL'S DIGEST

AB 1746, as introduced, Committee on Local Government. Local government reorganization.

(1) The Cortese–Knox–Hertzberg Local Government Reorganization Act of 2000 governs the procedures for the formation and change of organization of cities and special districts. In the case of a petition for an annexation, a detachment, or a reorganization consisting solely of annexations or detachments, or both, signed by all of the landowners in the territory affected by the proposal, the local agency may approve or disapprove the proposal without notice or hearing, if prescribed conditions are met. With respect to uninhabited territory, the commission may waive protest proceedings if all the owners of land have given written consent and all subject agencies have consented in writing to a waiver of protest proceedings. With respect to inhabited city and district annexations or detachments, or both, the commission may waive protest proceedings if the commission has provided written notice of commission proceedings to all registered voter and landowners within the affected territory and has received no written opposition from registered voters or landowners within the affected territory, and all subject agencies have consented in writing to a waiver of protest proceedings.

This bill would, in those 2 circumstances, delete the requirement that all subject agencies consent in writing to a waiver of protest proceedings in order for the commission to waive proceedings.

(2) Existing law permits any owner of land or registered voter within inhabited territory proposed to be annexed or detached, or any owner of land within uninhabited territory proposed to be annexed or detached to file a written protest against the annexation or detachment at any time prior to the conclusion of the noticed protest. Upon the conclusion of the protest hearing the commission is required to determine the value of written protests filed and not withdrawn.

This bill instead would permit the filing of those written protests with respect to territory that is the subject of a proposed change of organization or reorganization.

(3) Existing law specifies how required notice shall be mailed with respect to the proceedings of a local agency formation commission.

This bill would make technical changes to certain mailed notice requirements.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 56157 of the Government Code is
2 amended to read:
3 56157. When mailed notice is required to be given to:
4 (a) A county, city, or district, it shall be addressed to the clerk
5 of the county, city, or district.
6 (b) A commission, it shall be addressed to the executive
7 officer.
8 (c) Proponents, it shall be addressed to the persons so
9 designated in the petition at the address specified in the petition.
10 (d) Landowners, it shall be addressed to each person to whom
11 land is assessed, as shown upon the most recent assessment roll
12 being prepared by the county at the time the proponent adopts a
13 resolution of application pursuant to Section 56654 or files a
14 notice of intention to circulate a petition with the executive
15 officer pursuant to subdivision (a) of Section 56700.4, at the
16 address shown upon the assessment roll and to all landowners
17 within 300 feet of the exterior boundary of the property that is
18 the subject of the hearing at least 21 days prior to the hearing.

1 This requirement may be waived if proof satisfactory to the
2 commission is presented that shows that individual notices to
3 landowners have already been provided by the initiating agency.
4 Notice also shall be either posted or published in accordance with
5 Section 56153 in a newspaper of general circulation that is
6 circulated within the affected territory 21 days prior to the
7 hearing. ~~If this section would require more than 1,000 notices to~~
8 ~~be mailed, then notice may be provided instead pursuant to~~
9 ~~paragraph (3) of subdivision (a) of Section 65091.~~

10 (e) Persons requesting special notice, it shall be addressed to
11 each person who has filed a written request for special notice
12 with the executive officer or clerk at the mailing address
13 specified in the request.

14 (f) To all registered voters within the affected territory, to the
15 address as shown on the most recent index of affidavits prepared
16 by the county elections official at the time the proponent adopts a
17 resolution of application pursuant to Section 56654 or files a
18 notice of intention to circulate a petition with the executive
19 officer pursuant to subdivision (a) of Section 56700.4 and to all
20 registered voters within 300 feet of the exterior boundary of the
21 property that is the subject of the hearing at least 21 days prior to
22 the hearing. This requirement may be waived if proof satisfactory
23 to the commission is presented that shows that individual notices
24 to registered voters have already been provided by the initiating
25 agency. Notice shall also either be posted or published in
26 accordance with Section 56153 in a newspaper of general
27 circulation that is circulated within the affected territory 21 days
28 prior to the hearing.

29 ~~If this section would require more than 1,000 notices to be~~
30 ~~mailed~~

31 (g) *If the total number of notices required to be mailed in*
32 *accordance with subdivisions (d) and (f) exceeds 1,000, then*
33 *notice may instead be provided pursuant to paragraph (3) of*
34 *subdivision (a) of Section 65091.*

35 SEC. 2. Section 56663 of the Government Code is amended
36 to read:

37 56663. (a) If a petition for an annexation, a detachment, or a
38 reorganization consisting solely of annexations or detachments,
39 or both, or the formation of a county service area is signed by all
40 of the owners of land within the affected territory of the proposed

1 change of organization or reorganization, or if a resolution of
2 application by a legislative body of an affected district, affected
3 county, or affected city making a proposal for an annexation or
4 detachment, or for a reorganization consisting solely of
5 annexations or detachments, or both, or the formation of a county
6 service area is accompanied by proof, satisfactory to the
7 commission, that all the owners of land within the affected
8 territory have given their written consent to that change of
9 organization or reorganization, the commission may approve or
10 disapprove the change of organization or reorganization, without
11 notice and hearing by the commission. In those cases, the
12 commission may also approve and conduct proceedings for the
13 change of organization or reorganization under any of the
14 following conditions:

15 (1) Without notice and hearing.

16 (2) Without an election.

17 (3) Without notice, hearing, or an election.

18 (b) The executive officer shall give any affected agency
19 mailed notice of the filing of the petition or resolution of
20 application initiating proceedings by the commission. The
21 commission shall not, without the written consent of the subject
22 agency, take any further action on the petition or resolution of
23 application for 10 days following that mailing. Upon written
24 demand by an affected local agency, filed with the executive
25 officer during that 10-day period, the commission shall make
26 determinations upon the petition or resolution of application only
27 after notice and hearing on the petition or resolution of
28 application. If no written demand is filed, the commission may
29 make those determinations without notice and hearing. By
30 written consent, which may be filed with the executive officer at
31 any time, a subject agency may do any of the following:

32 (1) Waive the requirement of mailed notice.

33 (2) Consent to the commission making determinations without
34 notice and hearing.

35 (3) Waive the requirement of mailed notice and consent to the
36 commission making determinations without notice and hearing.

37 (c) In the case of uninhabited territory, the commission may
38 waive protest proceedings pursuant to Part 4 (commencing with
39 Section 57000) entirely if both of the following conditions apply:

1 ~~(1) All~~ *all* the owners of land within the affected territory have
2 given their written consent to the change of organization or
3 reorganization.

4 ~~(2) All subject agencies have consented in writing to a waiver~~
5 ~~of protest proceedings.~~

6 (d) In the case of inhabited city and district annexations or
7 detachments, or both, the commission may waive protest
8 proceedings pursuant to Part 4 (commencing with Section 57000)
9 entirely if ~~both of the following conditions apply:~~

10 ~~(1) The~~ *the* commission has provided written notice of
11 commission proceedings to all registered voters and landowners
12 within the affected territory and no written opposition from
13 registered voters or landowners within the affected territory is
14 received prior to the conclusion of the commission meeting. The
15 written notice shall disclose to the registered voters and
16 landowners that unless written opposition is received regarding
17 the proposal or the commission's intention to waive protest
18 proceedings, that there will be no subsequent protest and election
19 proceedings.

20 ~~(2) All subject agencies have consented in writing to a waiver~~
21 ~~of protest proceedings.~~

22 SEC. 3. Section 57051 of the Government Code is amended
23 to read:

24 57051. At any time prior to the conclusion of the protest
25 hearing in the notice given by the executive officer, but not
26 thereafter, any owner of land or any registered voter within
27 inhabited territory ~~proposed to be annexed or detached~~ *that is the*
28 *subject of a proposed change of organization or reorganization,*
29 or any owner of land within uninhabited territory ~~proposed to be~~
30 ~~annexed or detached~~ *that is the subject of a proposed change of*
31 *organization or reorganization,* may file a written protest against
32 ~~the annexation or detachment~~ *change of organization or*
33 *reorganization.* Each written protest shall state whether it is
34 made by a landowner or registered voter and the name and
35 address of the owner of the land affected and the street address or
36 other description sufficient to identify the location of the land or
37 the name and address of the registered voter as it appears on the
38 affidavit of registration. Protests may be made on behalf of an
39 owner of land by an agent authorized in writing by the owner to
40 act as agent with respect to that land. Protests may be made on

1 behalf of a private corporation which is an owner of land by any
2 officer or employee of the corporation without written
3 authorization by the corporation to act as agent in making that
4 protest.

5 Each written protest shall show the date that each signature
6 was affixed to the protest. All signatures without a date or
7 bearing a date prior to the date of publication of the notice shall
8 be disregarded for purposes of ascertaining the value of any
9 written protests.